

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 48 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL KASHIRAM JOITRAM

Versus

PATEL JAYANTILAL VITHALDAS

Appearance:

MR MC BAROT for Appellants

MR AN PATEL for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 12/04/99

ORAL JUDGEMENT

The appellants are the original plaintiffs. They have filed a suit for injunction to restrain the defendant No.1 from making any construction on the suit land which, according to them, belonged to the Gram Panchayat, the defendant No.2. They also prayed for temporary injunction. At the hearing, it was submitted on behalf of the defendant No.1 that he was a retired soldier and as such the Panchayat had passed a resolution

granting the land to him and the Panchayat had also subsequently passed a resolution regularising the construction made by him. The learned trial Judge, after hearing the parties, ordered ad interim injunction to be vacated on condition that the defendant No.1 gave an undertaking that in the event the decision went against him and if the Court came to the conclusion that the construction made by him was illegal, he would remove the same at his own costs. The appellants have challenged the said order of the learned Judge.

Having heard the learned Counsel for the parties, I am of the opinion that the order passed by the learned Judge is quite just and proper and does not require interference at this stage. Hence, the appeal is dismissed.
